

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

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ANDREW L. COLBORN,

Plaintiff

NETFLIX, INC.,  
CHROME MEDIA, LLC, f/k/a  
SYNTHESIS FILMS, LLC,  
LAURA RICCIARDI, and  
MOIRA DEMOS,

Case No. 19-CV-484

Defendants.

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**RENEWED JURY DEMAND**

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Plaintiff demanded a trial by jury in his original Complaint filed in the Circuit Court for Manitowoc County, Wisconsin, prior to removal of this action. Dkt #1-1, p. 16. It is Plaintiff's position that renewal of the demand should not be necessary. *See, e.g., Thomas v. Home Depot USA, Inc.*, 661 Fed. Appx. 575, 577-78 (11<sup>th</sup> Cir. 2016) (jury demand made in original Complaint governs throughout proceedings).

Nonetheless, in an abundance of caution, **Plaintiff hereby renews and reaffirms his prior demand and again demands a trial by jury of all issues so triable.**

Plaintiff's renewed demand is made within the time allowed for jury demands pursuant to Federal Rule of Civil Procedure 38(b)(1), which would govern if, for any reason, the demand made in the original Complaint did not control the issue. Wright & Miller, *Federal Practice* §2319, at 142 (Rule 38 governs jury demands if pleadings not complete at time of removal, in the absence of demand prior to removal); *Stewart v. RCA Corp.*, 790 F.2d 624, 629 (7<sup>th</sup> Cir. 1986) (Under Rule 38, Plaintiff may demand jury trial any time prior to time Defendant files an answer plus the additional period specified by Rule 38(b)(1) subsequently amended from 10 to 14 days)).

Dated this 16<sup>th</sup> day of January, 2020.

LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C.  
Attorneys for Plaintiff, Andrew L. Colborn

By: s/George Burnett  
George Burnett

**POST OFFICE ADDRESS:**

231 S. Adams Street  
Green Bay, WI 54301  
P.O. Box 23200  
Green Bay, WI 54305-3200  
Phone: (920) 437-0476  
Fax: (920) 437-2868  
State Bar No. 1005964

GRIESBACH LAW OFFICES, LLC  
Attorney Michael C. Griesbach  
State Bar No. 01012799  
PO Box 2047  
Manitowoc, WI 54221-2047  
(920) 320-1358

SCHOTT, BUBLITZ & ENGEL, S.C.  
Attorney April Rockstead Barker  
State Bar No. 1026163  
640 W. Moreland Blvd.  
Waukesha, WI 53188-2433  
(262)-827-1700

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